

RANDY L. ROYAL
ATTORNEY AT LAW
P.O. BOX 551
GREYBULL, WY 82426
PHONE: 307-765-4433
FAX: 307-765-9563

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF WYOMING

In Re:)	Case No. 10-20588
TRACY VIRGINIA SPRATT,)	
Debtor,)	
)	
RANDY L. ROYAL, TRUSTEE OF THE)	
BANKRUPTCY ESTATE OF TRACY VIRGINIA SPRATT))	
Plaintiff,)	Adversary No.
)	
VS.)	
)	
LEONA SPRATT,)	
Defendant.)	

COMPLAINT TO SET ASIDE PREFERENTIAL TRANSFER

COMES NOW, the Trustee by and through his attorney and for his complaint against the Defendant states, alleges, and complains as follows:

(1) The Plaintiff is the duly appointed and acting Chapter 7 Trustee of this bankruptcy estate.

(2) The Defendant is a resident of the County of Johnson, Wyoming.

(3) This adversary proceeding arises out of and relates to the above-cited Chapter 7 case of Tracy Virginia Spratt. This Court has jurisdiction of this adversary

proceeding pursuant to the provisions of 28 U.S.C. Section 1334, Section 157 and Section 547. This is a "core" proceeding pursuant to the provisions of 28 U.S.C. Section 157(b)(2)(E) and (F).

(4) On May 18, 2010, the debtor herein filed her voluntary petition for relief under Chapter 7.

(5) On or about April 9, 2010, the debtor, paid \$2,500.00 to Leona Spratt.

(6) The payment to Leona Spratt was on an unsecured obligation and within 90 days prior to the filing of the bankruptcy, the payment is preferential and in violation of 11 U.S.C. Section 547 of the United States Bankruptcy Code.

(7) At the time of such transfer the debtor was insolvent, and the effect of such transfer was to enable the defendant to obtain more than she would have received under Chapter 7 of the Bankruptcy Code if the transfer had not been made.

(8) The Defendant is now in possession of and custodian of the funds, which are property of the estate pursuant to 11 U.S.C. Section 541.

(9) Plaintiff has made demand upon the Defendant to turnover the \$2,500.00, but such demand has been refused, or ignored.

WHEREFORE, Plaintiff prays judgment against the Defendant as follows:

(10) That the payment to Leona Spratt in the amount of \$2,500.00 be declared as a preference payment in violation of 11 U.S.C. Section 547.

(11) Ordering the Defendant to release the funds to the Plaintiff.

(12) Granting Plaintiff such other and further relief as the Court deems just and proper.

DATED: August 26, 2010.

/s/ Randy L. Royal, Attorney for the Plaintiff

RLR/cdc
bmswquickdocs
Spratt Complaint.547.payment